

**SUPREME COURT MINUTES  
THURSDAY, OCTOBER 7, 1999  
SAN FRANCISCO, CALIFORNIA**

S070028      The People, Plaintiff and Respondent,  
                         v.  
                         Andrew James Allen, Defendant and Appellant.  
                         The judgment of the Court of Appeal is affirmed.

Mosk, J.

We Concur:  
George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

2nd Dist.      Frank R. Howard, Petitioner  
B134956                           v.  
Div. 6           Ventura County Superior Court, Respondent  
S082566      Augusta Edward Borges, Real Party in Interest  
                         Application for stay and petition for review DENIED.

2nd Dist.      Yamaha Corporation of America, Respondent  
B095911                           v.  
Div. 3           State Board of Equalization, Appellant  
S060145           The time for granting or denying review is hereby extended to  
                         and including November 5, 1999, or the date upon which review is  
                         either granted or denied. (Rule 28(a)(1), California Rules of Court.)

4th Dist.      San Diego County Clerks Association, Petitioner  
D032781                           v.  
Div. 1           San Diego County Superior Court et al., Respondents  
S081836           The time for granting or denying review is hereby extended to  
                         and including November 24, 1999, or the date upon which review is  
                         either granted or denied. (Rule 28(a)(1), California Rules of Court.)

S018637 People, Respondent

v.

Jackie Ray Hovarter, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including October 29, 1999.

S032736 People, Respondent

v.

Maurice Boyette, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including December 1, 1999.

S032832 People, Respondent

v.

Omar Fuentes Martinez, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including December 13, 1999.

S050082 People, Respondent

v.

Christopher Adam Geier, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including December 13, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S068162 People, Respondent

v.

Danny Duarte, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's reply brief is extended to and including October 12, 1999.

Appellant's additional brief will be due on or before October 27, 1999.

S074000 In re Keith Edward Adcox

On  
Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including November 15, 1999.

S074326 Geoffrey H. Palmer et al., Appellants

v.  
Truck Insurance Exchange et al., Respondents

The application of The Industrial Indemnity Companies for permission to file an amicus curiae brief in support of respondents is hereby DENIED.

S075263 People, Respondent

v.  
Floyd E. Murphy, Jr., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief on the merits is extended to and including October 15, 1999.

S077019 In re Wencesloa Acosta

on  
Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the informal response is extended to and including October 14, 1999.

S076868 Theodore I. Haas, Respondent

v.  
County of San Bernardino et al., Appellants

The application of the California School Board Association Legal Alliance for permission to file an amicus curiae brief in support of appellants is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S077219 Daniel Griset et al., Appellants

v.

Fair Political Practices Commission, Respondent

The application of Common Cause of California et al. for permission to file an amicus curiae brief is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S011960 People, Respondent

v.

Cynthia Lynn Coffman and James Gregory Marlow, Appellants

Good cause appearing, the application of appointed counsel for permission to withdraw as habeas corpus/executive clemency attorney of record for appellant James Gregory Marlow, filed September 13, 1999, is granted.

The order appointing Barry L. Morris as counsel of record for appellant James Gregory Marlow, filed February 3, 1993, is hereby vacated with respect to the investigation and/or initiation of habeas corpus/executive clemency proceedings related to appellant Marlow's capital appeal. Mr. Morris shall remain as counsel of record for appellant Marlow's capital appeal, and shall continue to be responsible for all appellate duties specified in Supreme Court Policies Regarding Cases Arising From Judgments of Death, Policy 3, standards 1-1 and 2-1.

Chuck Nacsin is hereby appointed as habeas corpus/executive clemency counsel in place of Barry L. Morris on behalf of appellant James Gregory Marlow, and has responsibility for all habeas corpus/executive clemency duties specified in Policy 3, standards 1-1 and 2-1.

Mr. Morris is directed to deliver to Mr. Nacsin, within 30 days from the filing of this order, a copy of the entire case file relating to Marlow's capital appeal and related habeas corpus proceedings currently in his possession, including, but not limited to, the reporter's and clerk's transcripts, all case files and documents obtained from appellant Marlow's trial counsel, all case reports from investigators, legal assistants and paralegals, and copies of all other documents filed in this court.

S026614 People, Respondent

v.

James Gregory Marlow, Appellant

Good cause appearing, the application of appointed counsel for permission to withdraw as habeas corpus/executive clemency attorney of record for appellant James Gregory Marlow, filed September 13, 1999, is granted.

The order appointing Barry L. Morris as counsel of record for appellant James Gregory Marlow, filed February 3, 1993, is hereby vacated with respect to the investigation and/or initiation of habeas corpus/executive clemency proceedings related to appellant Marlow's capital appeal. Mr. Morris shall remain as counsel of record for appellant Marlow's capital appeal, and shall continue to be responsible for all appellate duties specified in Supreme Court Policies Regarding Cases Arising From Judgments of Death, Policy 3, standards 1-1 and 2-1.

Chuck Nacsin is hereby appointed as habeas corpus/executive clemency counsel in place of Barry L. Morris on behalf of appellant James Gregory Marlow, and has responsibility for all habeas corpus/executive clemency duties specified in Policy 3, standards 1-1 and 2-1.

Mr. Morris is directed to deliver to Mr. Nacsin, within 30 days from the filing of this order, a copy of the entire case file relating to Marlow's capital appeal and related habeas corpus proceedings currently in his possession, including, but not limited to, the reporter's and clerk's transcripts, all case files and documents obtained from appellant Marlow's trial counsel, all case reports from investigators, legal assistants and paralegals, and copies of all other documents filed in this court.

2nd Dist. Joseph W. Fairfield

B129304 v.

Emmett J. Gantz

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division Six.

S081555 In the Matter of the Suspension of Attorneys  
For Nonpayment of Dues

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension

for nonpayment of dues filed on September 10, 1999, effective September 27, 1999, be amended *nunc pro tunc* to strike the names of **James Anthony Apostle, Stephen Chrystie** and **Emily V. Pastorius**.

S082578 In the Matter of the Resignation of **Thomas McReynolds Jones**  
A Member of the State Bar of California

The voluntary resignation of **Thomas McReynolds Jones, #38003** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S082579 In the Matter of the Resignation of **Steven Edmund Reeve**  
A Member of the State Bar of California

The voluntary resignation of **Steven Edmund Reeve. State Bar Membership no. 67246** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)



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